

Serial No. 10/673,877
Applicant: Donna James
Amendment dated June 30, 2004
Attorney Docket No.: 1-590-A

Remarks

Rejection of Claims 15-19 under 35 U.S.C. 101.

Claims 15-19 were rejected under 35 U.S.C. 101. Claims ¹⁵~~13~~-19 are cancelled herein, rendering the rejection moot.

Rejection of Claims 15-20 under 35 U.S.C. 103(a).

Claims 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over DuBrul in view of Green or Gasper. Claims ¹⁵~~13~~-20 are cancelled herein, rendering the rejection moot.

Rejection of Claims 7-14 under 35 U.S.C. 103(a).

Claims 7-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over DuBrul in view of Green. The Examiner states:

DuBrul discloses in Figure 1 an educational tool comprising a writing board comprising a writing board comprising a writing surface A [and] a raised rim B extending around the writing surface. ...DuBrul fails to disclose the step of providing a scent to the user. Green discloses in column 10, lines 30-39 a device for creating visual designs where part of the device emits a selected scent, which may be peppermint. It would have been obvious to one of ordinary skill in the art to modify the device disclosed by DuBrul by providing a portion of the device with a scent.... With respect to claims 8-11, 13--14..., it would have been an obvious variation to provide a scent to the rim rather than to the medium.

Applicant submits that rewritten independent claim 7 is not anticipated by the art of record, including the art relied upon in the 103(a) rejection and the other art cited by the examiner.

Rewritten independent claim 7 is drawn to an educational tool for providing sensory feedback to a student learning reading and writing skills. The tool includes a writing board with a writing

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surface and a rim extending around the writing surface. The rim and the writing surface define an open container that holds a displaceable writing medium on the writing surface. The writing medium is directly touchable by the student for forming writing or drawing on the writing surface.

Green discloses a device having a first sheet 12 superposed over a second sheet 14. A number of rupturable containers 16-22 are between the sheets. Each container holds a spreadable medium that can be spread between the sheets upon rupturing the containers. Green teaches a device that enables a user to create unique artistic designs "without the user coming into direct contact with the medium used to create the design," Green, column 4, lines 3-4.

Sheets 12, 14 are deformable but not readily breakable under finger pressure and are not porous to the extent that would allow the spreadable medium to come into direct contact with the user. Green, column 4, lines 60-65.

The Examiner asserts it would be obvious to modify DuBrul to include a writing medium provided with a scent. Applicant respectfully disagrees.

Applicant's claimed educational tool defines an open container that holds writing medium. Unlike Green, applicant's educational tool requires a user to directly contact the medium when using the tool. Yet a user must not be encouraged to place the medium in his or her mouth for obvious sanitary reasons.

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There is no incentive to modify the device disclosed in DuBrul to include a scented writing medium, because adding scent would encourage children to eat the medium. Hence the Examiner's conclusion that it would be an obvious variation to provide a scent to the rim rather than to the medium is based not on motivations found from the references themselves but instead on prohibited hindsight gleaned from applicant's own teaching.

Claims 8-14 depend from an allowable claim 7 and so are also allowable.


Based on the foregoing, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejections of claims 7-14 are respectfully requested.

Conclusion.

Applicant respectfully submits that, as amended, the application is in condition for allowance.

Respectfully submitted,

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